

<b>NEVADA DEPARTMENT OF CORRECTIONS</b>	<b>SERIES 100 GENERAL ADMINISTRATION</b>	<b>SUPERSEDES: AR 139 (11/06/90)</b>
<b>ADMINISTRATIVE REGULATIONS MANUAL</b>	<b>ADMINISTRATIVE REGULATION 139 NATIONAL CRIME INFORMATION CENTER PROCEDURE TEMP</b>	<b>EFFECTIVE DATE: 04/05/04</b>

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### PURPOSE

To regulate procurement, use, and dissemination of the information contained in the National Criminal Information Center.

### AUTHORITY

NRS 179A  
NRS 193.150  
Title 28, US Code, Section 534

## **RESPONSIBILITY**

It is the responsibility of the Offender Management Administrator to ensure compliance of this procedure.

## **DEFINITIONS**

**CONTROL TERMINAL AGENCY (CTA)** – The state agency, designated by the NCIC advisory policy board, which has responsibility over all users of the state NCIC users.

**CRIMINAL JUSTICE INFORMATION** – Information collected by criminal justice agencies that is needed for the performance of their legally authorized, required functions. With specific regard to the Department of Corrections it would include information on Wanted Persons, and documented Criminal History.

**INSPECTOR GENERAL** – The administrator in-charge of the Department's Office of the Inspector General.

**NATIONAL CRIME INFORMATION CENTER (NCIC)** – A nationwide computerized information system established as a service to all criminal justice agencies, local, and state. NCIC is operated and managed by the U.S. Department of Justice, Federal Bureau of Investigation.

**NEVADA CRIMINAL JUSTICE INFORMATION SYSTEM (NCJIS)** – A statewide-computerized information system established to service all Nevada local, state, and federal criminal justice agencies.

**PRISON NUMBER (P-NUMBER)** – A number assigned to specific positions within the Department for the staff who are authorized to utilize the information being obtained from or entered into the NCIC.

**TERMINAL AGENCY** – The terminal agency for the Department is located within the Offender Management Division.

## **APPLICABILITY**

This Administrative Regulation is applicable to all institutions and facilities.

## **PROCEDURES**

### **139.01 ENTRY OF INFORMATION**

1.1 Criminal justice agencies throughout the United States contribute to the Criminal History Repository by providing documented data on arrests and dispositions.

1.2 The Department is responsible for the entry of all escape/walk-away warrants.

### **139.02 THE USE AND DISSEMINATION OF INFORMATION**

1.1 Information can be obtained from the NCIC both directly and indirectly.

- Direct access by trained personnel approved for terminal access and dissemination.
- Indirect access is non-terminal access outside of an agency with direct access.

1.2 The Department will not disseminate any criminal history record information obtained through direct access to the NCIC to any other agency such as Parole Board, Attorney General, Parole and Probation or other law enforcement agencies.

1.3 Use of this program for purposes other than those describe herein is prohibited.

### **139.03 THE USES APPROVED BY THE DEPARTMENT OF CORRECTIONS**

1.1 The NCIC program will be used to obtain criminal history and wants/warrants information on persons who fit one or more of the categories listed below:

- Applicants to visit inmates;
- Perspective Department Employees; **(3-4059)**
- Persons under contract with the Department;
- Persons applying to volunteer with the Department;
- Persons suspected of committing criminal activity on prison property;
- Persons suspected of conspiring with or aiding and abetting an inmate to commit a crime anywhere; and
- Inmates housed with the Department.

1.2 All volunteer and visiting forms are to be directed to the Offender Management Division for processing.

1.2.1 Results of visitor applications are directed to the institutional visiting room.

- All wants or warrants will be forwarded to the Department's Inspector General.

1.2.2 Results of volunteer applications are returned to the sender.

1.3 Staff may submit requests on the NCIC request for background checks on Form DOC - 2017 to the designated staff in the Offender Management Division.

1.3.1 Printouts are for review purposes only, and must be destroyed and not maintained in any file.

1.3.2 Printouts with verified information, such as wants and warrants, may be maintained as long as they are being utilized.

#### **139.04 CONSENT**

1.1 Persons applying for employment, contract work, volunteer or visiting must provide written consent on Form DOC - 1021 before an NCIC records check will be conducted.

1.2 Consent is not required for records checks on incarcerated persons or persons suspected of committing a criminal offense.

#### **139.05 PENALTIES FOR NEGLECT AND DELIBERATE MISUSE OF NCIC SYSTEM.**

1.1 There are a wide variety of administrative, civil and penalties that may be imposed for violations of law and policy regarding criminal justice information.

- Penalties are imposed for deliberate illegal acts and also for violations arising from administrative neglect. NCIC exercises regulatory authority over the Control Terminal Agency (CTA). The CTA is responsible for regulating the agency users.

1.2 Administrative neglect can include unsatisfactory record quality, inaccuracy, untimeliness, incompleteness, and misuse of the system. Sanctions range from verbal reprimands to letters of request for compliance, removal of agency records and discontinuation of NCIC service.

1.3 Criminal misuse of the program can include deliberate illegal dissemination of information, creating a false record and obtaining criminal history under false pretenses. Conviction of violations is punishable by misdemeanor fines and jail sentences.

1.4 Both criminal and administrative misuse of the system can result in extensive civil liability.

#### **139.06 PRISON NUMBER (P-NUMBER)**

1.1 The P-Number master roster will be maintained and updated on a quarterly basis by the designated OMD staff.

1.1.1 The roster will be provided to the Nevada Highway Patrol, Division heads and Wardens.

1.1.1 The contents of the roster will contain the following:

- Name;
- Title;
- Office phone number;
- Pager/Cell number;
- Specific NCIC services authorized for the employee; and
- Specific Nevada Highway Patrol Communication Center; Services.

1.2 Staff are only permitted to request or provide information with the services for which they have been authorized.

## REFERENCES

ACA Standard 3-4059

## ATTACHMENTS

NCIC Criminal History Check, DOC 2017

Written Consent for NCIC Criminal History Check, DOC 1021

\_\_\_\_\_  
Jackie Crawford, Director

\_\_\_\_\_  
Date

**CONFIDENTIAL**

      
Yes

XX  
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.**

**NEVADA DEPARTMENT OF CORRECTIONS  
NCIC CRIMINAL HISTORY CHECK**

TO: NCIC OPERATOR

FROM: \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_

The following applications are being submitted for criminal history background checks. The applications have been reviewed for accuracy and completeness.

Name of Applicant	Inmate Name & DOC #	NCIC Comments/Disposition
1.		
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TOTAL NUMBER OF APPLICANTS: \_\_\_\_\_

NCIC COMPLETION DATE: \_\_\_\_\_

DOC-2017